BILL NO. 20

Government Bill

1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act

CHAPTER 45
ACTS OF 2006

AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 23, 2006

The Honourable Mark Parent
Minister of Environment and Labour

Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly

2007-02989/

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act

Be it enacted by the Governor and Assembly as follows:

1 Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is amended by adding immediately after Section 64 the following Section:

64A (1) In this Section, "utility" means Nova Scotia Power Incorporated.

(2) The utility may not be granted a general rate increase to take effect less than twelve months following the effective date of the last preceding general rate increase, whether made before or after the coming into force of this Section.

(3) Subsection (2) does not apply if the Board determines that exceptional circumstances exist that have caused or will cause substantial financial harm to the ratepayers of the utility or to the utility.

(4) The Board shall not make a determination pursuant to subsection (3) until it has held a hearing to determine whether exceptional circumstances exist as set out in that subsection and it has determined that such exceptional circumstances exist.

(5) Where the Board has determined that exceptional circumstances exist as set out in subsection (3), it shall hold a separate hearing on the general rates.

(6) For greater certainty,

(a) a determination of the Board pursuant to subsection (3) may be appealed to the Nova Scotia Court of Appeal pursuant to Section 30 of the *Utility and Review Board Act*; and

(b) where the Board holds a hearing pursuant to subsection (4), the Board shall appoint a consumer advocate pursuant to Section 91.

2 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.